

PCT
JC20 Rec'd PCT/PTO 14 MAR 2002

Patent

Attorney's Docket No. 012627-020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Aida KERKMANN-TUCEK

Application No.: 09/744,186

Corresponds to PCT/DE99/02280)

International Filing Date: 21 July 1999

For: AGENTS FOR THE
IMMUNOTHERAPY OF
TUMORAL DISEASES

Group Art Unit: Unassigned

Examiner: Unassigned

RECEIVED
17 APR 2002

PETITION UNDER 37 C.F.R. §1.181 FOR ACCEPTANCE OF
COPIES OF RESPONSE SUBMITTED ON MARCH 30, 2001

BOX PCT

Attn.: PCT Legal Office

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

Applicants are submitting this Petition Under 37 C.F.R. §1.181 in response to the Official Communication received from the Patent Office mailed February 8, 2002.

A Notification of Missing Requirements Under 35 U.S.C. §371 in the U.S. Designated/Elected Office (DO/EO/US) was mailed March 29, 2001. Applicant submitted a Response thereto on March 30, 2001 along with an English language translation of the application; Executed Declaration and Power of Attorney; Information Disclosure Statement; PTO-1449 Form and fees in the amount of \$195.00.

A complete copy of the documents filed on March 30, 2001 is attached hereto along with a copy of the date-stamped postcard receipt from the U.S. Patent and Trademark

Office, Office of Initial Patent Examination (OIPE). The undersigned hereby admits that the papers submitted herewith are a true and complete copy of the papers with the U.S. Patent and Trademark Office on March 30, 2001, and that the attached date-stamped postcard receipt from the U.S. Patent and Trademark Office is a true copy as returned by the PTO on that date.

Due to an error in the Serial Number on page 1 of the PCT Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371, the Missing Requirements Response Papers were placed in an incorrect file with the U.S. Patent and Trademark Office, (*i.e.*, ***Serial Number 09/774,186***).

On January 2, 2002, Applicant submitted a Status Inquiry to the U.S. Patent and Trademark Office inquiring about the status of the application. The Patent Office then issued an Official Communication mailed February 8, 2002 in response to the Status Inquiry.

Applicant hereby requests entry of the Response to the Missing Requirements Notice submitted on March 30, 2001, in order for prosecution to begin on the above-identified application.

Submitted herewith is a "Revised" Transmittal Letter with the correct Serial Number reflected as well as a complete copy of the documents submitted on March 30, 2001.

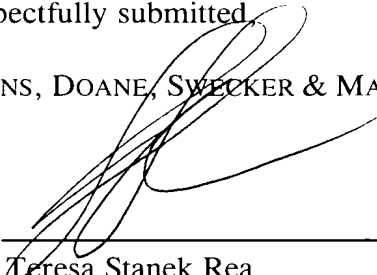
Entry of the Response to the Notice of Missing Requirements mailed March 29, 2001, is hereby respectfully requested. The required fee of \$130.00 for the Petition Fee Under 37 C.F.R. §1.181 is enclosed herewith. The Commissioner is hereby authorized to

charge any additional fees which may be required, or credit any overpayment to Deposit Account **02-4800** (Atty. Dkt. No.: 012627-020). This paper is being submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: _____


Teresa Stanek Rea
Registration No. 30,427

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: March 14, 2002



FEB 08 2002
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

COPY

Teresa Stanek Rea
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
Post Office Box 1404
Alexandria, Virginia 22313-1404

Dear Ms. Rea:

This is in response to your letter received 02 January 2002 inquiring about the status of the response to the Notification of Missing Requirements issued by the Office on 29 March 2001 in U.S. patent application 09/744,186 filed 30 March 2001. A search in the application file and in the Office electronic records do not show receipt of those papers. Should prosecution of the application be desired, applicant should file a petition under 37 CFR 1.181 for acceptance of copies of the response submitted 30 March 2001 along with evidence of receipt in the Office of these papers. The papers should be accompanied by a statement from the attorney that the copies are true copies of what was filed and of the postcard as returned by the USPTO. The petition should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.

Sincerely,

Nguyễn Ngọc Hồ

Nguyễn Ngọc-Hồ
Paralegal Specialist
PCT Legal Office

Tel: (703) 308-6508

URGENT

012627-020

Huber & Kusler
TSR

BURNS, DOANE, SWECKER & MATHIS, L.L.P. RECEIVED	
FEB 1 2002	
DOCKETED	

055
2/10/02

non
2/23/02

Response due 3/14/02

FEB 14 2002

COPY

Patent
Attorney's Docket No. 012627-020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Aida KERKMANN-TUCEK)	Group Art Unit: UNASSIGNED
)	
Application No.: 09/744,186)	Examiner: UNASSIGNED
(Corresponds to PCT/DE99/02280))	
)	
International Filing Date: July 21, 1999)	
)	
For: AGENTS FOR THE)	
IMMUNOTHERAPY OF TUMORAL)	
DISEASES)	

STATUS INQUIRY

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Please advise, in writing, as to the current status of the above-captioned application.
A response to the Notification of Missing Requirements mailed on March 29, 2001 was
filed on March 30, 2001.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: _____

Teresa Stanek Rea
Registration No. 30,427

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: January 2, 2002

DOCKETED CRE
filed 1-2-02

PTO/PG 1000 30 MAR 2001

Patent
Attorney's Docket No. 012627-020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Aida KERKMANN-TUCEK)	Group Art Unit: Unassigned
)	
Application No.: 09/744,186)	Examiner: Unassigned
)	
International Filing Date: 21 July 1999)	
)	
For: AGENTS FOR THE)	
IMMUNOTHERAPHY OF TUMORAL)	
DISEASES)	
)	

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, Applicant hereby submits the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98. Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed. A copy of the PCT search report is enclosed.

The documents are being submitted within 3 months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later, therefore no fee or certification is required under 37 C.F.R. § 1.97(b).

To assist the Examiner, the documents listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: _____

Teresa Stanek Rea
Registration No. 30,427

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: March 30, 2001

DOCKETED
Filed 3/30/01

PTV/ST/PA/27

30 MAR 2001

SHEET 1 OF 1

INFORMATION DISCLOSURE CITATION

PTO-1449

ATTORNEY'S DKT NO.
012627-020

APPLICATION NO.
09/744,186

APPLICANT
AIDA KERKMANN-TUCEK

INTERN'L. FILING DATE
21 July 1999

GROUP
Unassign d

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	5,858,776	01/12/99	Ostrand-Rosenberg et al			

FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						Yes	No
	EP 0 569 678	11/18/93	Europe				
	WO97/24132	07/10/97	WIPO				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	I. Flores et al; "IFN- γ and B7 as Costimulators of Antitumor Immune Responses", International Journal of Oncology 7:501-509, 1995, XP000605140
	S. Ostrand-Rosenberg et al; "Transfection of Major Histocompatibility Complex Class I and Class II Genes Causes Tumour Rejection", Journal of Immunogenetics, 1989, 16, 343-349, XP000876764
	M. Lindauer et al; "Gene Transfer of Costimulatory Molecules into a Human Colorectal Cancer Cell Line: Requirement of CD54, CD80 and Class II MHC Expression for Enhanced Immunogenicity", 1998, 93, 390-397, XP000876810

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM-PTO-1390 (Rev. 12-29-99)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 012627-020 U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 09/774,186	
INTERNATIONAL APPLICATION NO. PCT/DE99/02280	INTERNATIONAL FILING DATE 21 July 1999	PRIORITY DATE CLAIMED 21 July 1998	
TITLE OF INVENTION AGENTS FOR THE IMMUNOTHERAPY OF TUMORAL DISEASES			
APPLICANT(S) FOR DO/EO/US Aida KERKMANN-TUCEK			
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and the PCT Articles 22 and 39(1). 4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date. 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) 6. <input checked="" type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). <p>Items 11. to 16. below concern other document(s) or information included:</p> <ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 14. <input type="checkbox"/> A substitute specification. 15. <input type="checkbox"/> A change of power of attorney and/or address letter. 16. <input checked="" type="checkbox"/> Other items or information: <p style="text-align: center; margin-top: 20px;">PTO 1449 AND INFORMATION DISCLOSURE STATEMENT</p>			

DOCKETED
 FILED 3/30/01
 77

COPY



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/744186	KERKMANN-TUCEK	A 012627-020

TERESA STANEK
P O BOX 1404
ALEXANDRIA, VA 22313 1404

INTERNATIONAL APPLICATION NO.	
PCT/DE99/02280	
I.A. FILING DATE	PRIORITY DATE
21 JUL 99	21 JUL 98
DATE MAILED: 29 MAR 2001	

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☒ a non-English language.

☐ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed _____ and _____.

☐ Information Disclosure Statement(s) filed _____ and _____.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____.

☒ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☒ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☒ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed:

☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Vonda M. Wallace *V.M.*

Telephone: 703-305-3736

RECEIVED
MAR 30 2001

DOCKETED 73 4-1

DECL WAS F. 3-30-01

012627-020

TSR

Hubert Schuss